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GERLING AMERICA INSURANCE COMPANY
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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9

10 FIREMAN'S FUND INSURANCE)
COMPANY, a foreign corporation a/s/o)
11 BASIC RESOURCES, INC. and GEORGE)
REED, INC., a foreign corporation,)

12 Plaintiff,

13 vs.

14 GERLING AMERICA INSURANCE)
COMPANY, a foreign corporation,)
15

16 Defendant.
17
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CASE NO.: 3:07-cv-06302-CRB

19 **DEFENDANT GERLING AMERICA**
INSURANCE COMPANY'S REQUEST
FOR JUDICIAL NOTICE IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT

20 Date: August 8, 2008
Time: 10:00 AM
Courtroom: 8
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Defendant Gerling America Insurance Company, by and through its attorney, hereby requests the Court to take judicial notice pursuant to Federal Rule of Evidence 201 of the following facts and documents:

1. Relevant excerpts of deposition testimony of Wendell Reed, CEO and President of George Reed Co., from the Florida state court trial between Fireman's Fund Insurance Company and Gencor Industries, Inc., Case No. 04-CA-007746, a copy of which is attached hereto as Exhibit 1.

2. Relevant excerpts of deposition testimony of Calvin Dixon, former field service technician for Gencor Industries, Inc., from the Florida state court trial between Fireman's Fund Insurance Company and Gencor Industries, Inc., Case No. 04-CA-007746, a copy of which is

1 attached hereto as Exhibit 2.

2 3. Fireman's Fund Insurance Company's Complaint against Gencor Industries, Inc., Case
3 No. 04-CA-007746, filed on September 22, 2004 in Circuit Court, in the Ninth Judicial Circuit, in
4 and for Orange County, Florida, a copy of which is attached hereto as Exhibit 3.

5 4. Fireman's Fund Insurance Company's "Notice of Withdrawal of Claims" dated January
6 3, 2007 in its action against Gencor Industries, Inc. in the Florida state court action, Case No. 04-
7 CA-007746, a copy of which is attached hereto as Exhibit 4.

8 5. Fireman's Fund Insurance Company's "Motion to Modify Discharge Injunction" filed in
9 In re: Gencor Industries, Inc., Case No.: 00-03597-6J1 in the United States Bankruptcy Court,
10 Middle District of Florida, Orlando Division, a copy of which is attached hereto as Exhibit 5.

11 6. Verdict form dated January 26, 2007 from the jury following trial in the action between
12 Fireman's Fund Insurance Company's and Gencor Industries, Inc. in Florida state court, Case No.
13 04-CA-007746, a copy of which is attached hereto as Exhibit 6.

14 7. Relevant excerpts of deposition testimony of Frank Hsu, forensic engineering expert
15 retained by Fireman's Fund Insurance Company in its action against Gencor Industries, Inc. in the
16 Florida state court action, Case No. 04-CA-007746, a copy of which is attached hereto as Exhibit 7.

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18 Dated: July 3, 2008

BARGER & WOLEN LLP

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20 By: /s/ Thomas R. Beer
21 THOMAS R. BEER
22 TINO X. DO
23 Attorneys for Defendant GERLING
24 AMERICA INSURANCE COMPANY
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